

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1348

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to add Chapter 7.5 (commencing with Section 66550) to, and to repeal Chapter 11 (commencing with Section 66900) of, Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1348, as amended, John A. Pérez. Postsecondary education: California Higher Education Authority.

Existing law establishes the system of postsecondary education in this state, consisting of 4 segments: the University of California, the California State University, the California Community Colleges, and independent institutions of higher education, as defined. Existing law establishes the California Postsecondary Education Commission (CPEC) to be responsible for coordinating public, independent, and private postsecondary education in this state and to provide independent policy analyses and recommendations to the Legislature and the Governor on postsecondary education issues. The Budget Act of 2011 deleted funding and personnel from CPEC.

This bill would repeal the provisions establishing and providing for the duties of CPEC, and commencing July 1, ~~2014~~, 2015, would establish the California Higher Education Authority, under the administration of a 13-member board of directors. The bill would specify

the appointing authorities and the length of the terms of the members of the board of directors. The bill would also set forth the responsibilities of the authority relating to public and private postsecondary education in this state, *to be carried out by the authority in accordance with a specified schedule. The bill would require the board of directors to convene a technical working group, including specified persons, to advise on data and policy matters before the board of directors.*

Among other duties, the authority would be responsible for developing, presenting, and monitoring postsecondary education goals for the state, including, but not necessarily limited to, monitoring and reporting on the progress of the postsecondary segments toward their long-term goals; measuring, and reporting about, how efficiently and effectively the postsecondary segments are serving the state's needs; making recommendations about how to improve the performance of the postsecondary segments; developing and recommending strategic finance policy to the Governor and the Legislature on topics including, but not necessarily limited to, the allocation of state appropriations among the postsecondary education segments, student fee policy, and student financial aid; developing and presenting basic policy parameters for capacity development or realignment, including, but not necessarily limited to, expansion or realignment of enrollment capacity among or within the postsecondary education segments, to meet the state's higher education goals; reviewing, and making recommendations to the Governor and the Legislature relating to, major capacity decisions, such as changes in mission or the establishment of new campuses or centers, that are to be financed with state appropriations or state-approved student fees; and acting as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies, and succeeding to certain data management responsibilities of CPEC by developing and maintaining a comprehensive database in accordance with prescribed criteria.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 7.5 (commencing with Section 66550)
- 2 is added to Part 40 of Division 5 of Title 3 of the Education Code,
- 3 to read:

1 CHAPTER 7.5. CALIFORNIA HIGHER EDUCATION AUTHORITY

2
3 66550. (a) The California Higher Education Authority is
4 hereby established. The authority shall be governed by a
5 13-member board of directors, who shall be appointed in
6 accordance with the following:

7 (1) (A) Nine representatives of the general public appointed as
8 follows:

9 (i) Three members appointed by the Governor subject to
10 confirmation by a majority of the membership of the Senate.

11 (ii) Three members appointed by the Speaker of the Assembly.

12 (iii) Three members appointed by the Senate Committee on
13 Rules.

14 (B) The members initially appointed to the board of directors
15 under this paragraph shall serve staggered terms. Each of the
16 appointing entities in subparagraph (A) shall use one of their three
17 appointments to appoint a member for a two-year term
18 commencing on July 1, ~~2014~~, 2015, and ending on June 30, ~~2016~~,
19 2017, one of their appointments to appoint a member for a
20 four-year term commencing on July 1, ~~2014~~, 2015, and ending on
21 June 30, ~~2018~~, 2019, and one of their appointments to appoint a
22 member for a six-year term commencing on July 1, ~~2014~~, 2015,
23 and ending on June 30, ~~2020~~, 2021. After the terms specified in
24 this subparagraph have ended, all subsequent appointments to the
25 authority under this paragraph shall be for six-year terms.

26 (C) A member appointed to the board of directors under this
27 paragraph may be reappointed for an additional term or terms.

28 (D) No member appointed to the board of directors under this
29 paragraph may be an employee of a postsecondary institution in
30 this state or hold an official position, such as trustee or regent, with
31 a postsecondary institution in this state.

32 (E) *In making appointments under this paragraph, the Governor,*
33 *the Speaker of the Assembly, and the Senate Committee on Rules*
34 *shall consider the need for members to have skills, knowledge,*
35 *and experience related to postsecondary education, student*
36 *financial aid policy, statewide accountability, and workforce*
37 *development, and the value of the board of directors being broadly*
38 *reflective of the economic, cultural, and social diversity of the*
39 *state.*

(2) (A) Four representatives of the students of the postsecondary education segments appointed for one-year terms, commencing on July 1, ~~2014~~, 2015, as follows:

(i) One student of a campus of the California Community Colleges, who shall have at least second year standing at that campus, selected by the Governor from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the California Community Colleges and the student body organizations of the campuses of the California Community Colleges.

(ii) One student of a campus of the California State University, who shall have at least junior year standing at that campus, selected by the Governor from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the California State University and the student body organizations of the campuses of the California State University.

(iii) One student of a campus of the University of California, who shall have at least junior year standing at that campus, selected by the Governor from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the University of California and the student body organizations of the campuses of the University of California.

(iv) One student of a member institution of the Association of Independent California Colleges and Universities, selected by the Governor from lists of names of at least two, but not more than five, persons furnished by the chief executive officer of the Association of Independent California Colleges and Universities.

(B) A member appointed to the board of directors under this paragraph may be reappointed for an additional term, as long as he or she remains a student enrolled at a campus of the postsecondary education segment that he or she represents.

(b) Each of the 13 members of the board of directors shall be a voting member. The members of the board of directors shall elect a chairperson from their membership.

(c) It is the intent of the Legislature that the appointment process of the first members of the board of directors be completed before July 1, ~~2014~~, 2015, so that the first meeting of the board of directors

1 may be convened as soon as possible after the terms of the initial
2 members commence on July 1, ~~2014~~. 2015.

3 (d) Each member of the board of directors shall receive actual
4 and necessary travel expenses and one hundred dollars (\$100) for
5 each day he or she is attending to the official business of the
6 authority.

7 66551. (a) The board of directors shall be authorized to enter
8 into agreements with any public or private agency, officer, person,
9 institution, corporation, association, or foundation for the
10 performance of acts or for the furnishing of services, facilities,
11 materials, goods, supplies, or equipment.

12 (b) The authority shall ~~have~~ carry out all of the following
13 responsibilities *according to the schedule in subdivision (d)*:

14 (1) Developing, presenting, and monitoring postsecondary
15 education goals for the state, including, but not necessarily limited
16 to, monitoring and reporting on the progress of the postsecondary
17 segments toward their long-term goals.

18 (2) Measuring, and reporting about, how efficiently and
19 effectively the postsecondary education segments are serving the
20 state's needs.

21 (3) Making recommendations about how to improve the
22 performance of the postsecondary education segments.

23 ~~(4) Pursuing an integrated approach to the state's overall~~
24 ~~postsecondary education policy by including private postsecondary~~
25 ~~education within its jurisdiction.~~

26 ~~(5) Exercising an oversight and advisory role in postsecondary~~
27 ~~education capital outlay decisions.~~

28 ~~(6)~~

29 (4) Developing information in order to assist state and local
30 policymakers and consumers in making cost-effective investments
31 in postsecondary education and training to meet the long-term goal
32 of a strong state economy and vibrant communities.

33 ~~(7)~~

34 (5) Developing and recommending strategic finance policy to
35 the Governor and the Legislature on topics including, but not
36 necessarily limited to, the allocation of state appropriations among
37 the postsecondary education segments, *public postsecondary*
38 student fee policy, and student financial aid.

39 ~~(8)~~

1 (6) Developing and presenting basic policy parameters for
2 capacity development or realignment, including, but not necessarily
3 limited to, expansion or realignment of enrollment capacity among
4 or within the postsecondary education segments, to meet the state's
5 higher education goals.

6 ~~(9)~~

7 (7) Reviewing, and making recommendations to the Governor
8 and the Legislature relating to, major capacity decisions, such as
9 changes in mission or the establishment of new ~~campuses or~~
10 *campuses*, centers, *or programs* that are to be financed with state
11 appropriations or state-approved student fees.

12 ~~(10)~~

13 (8) (A) Acting as a clearinghouse for postsecondary education
14 information and as a primary source of information for the
15 Legislature, the Governor, and other agencies, and developing and
16 maintaining a comprehensive database that does all of the
17 following:

18 (i) Ensures comparability of data from diverse sources.

19 (ii) Supports longitudinal studies of individual students as they
20 progress through the state's postsecondary educational institutions,
21 based upon the authority's existing student database through the
22 use of a unique student identifier.

23 (iii) Is compatible with the California School Information
24 System and the student information systems developed and
25 maintained by the public segments of higher education, as
26 appropriate.

27 (iv) Provides Internet access to data, as appropriate, to the
28 sectors of higher education.

29 (v) Provides each of the postsecondary educational segments
30 access to the data made available to the authority for purposes of
31 the database, in order to support, most efficiently and effectively,
32 statewide, segmental, and individual campus educational research
33 information needs.

34 (B) The authority, in implementing this paragraph, shall comply
35 with the federal Family Educational Rights and Privacy Act of
36 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of personally
37 identifiable information concerning students.

38 (C) The authority may not make available any personally
39 identifiable information received from a postsecondary educational
40 institution concerning students for any regulatory purpose unless

1 the institution has authorized the authority to provide that
2 information on behalf of the institution.

3 (D) The authority shall provide 30-day notification to the
4 chairpersons of the appropriate legislative policy and budget
5 committees of the Legislature, to the Director of Finance, and to
6 the Governor before making any significant changes to the student
7 information contained in the database.

8 (E) *The authority shall use the data received from the state's*
9 *postsecondary educational institutions to determine the percentage*
10 *of California high school graduates estimated to be eligible for*
11 *admission to the University of California and the California State*
12 *University. The authority shall first report this estimate no later*
13 *than January 1, 2016.*

14 (c) *The authority shall pursue an integrated approach to the*
15 *state's postsecondary education policy by collaborating with public*
16 *and private postsecondary educational institutions in California*
17 *to address the state's postsecondary education needs and goals.*

18 (d) (1) *It is the intent of the Legislature that the authority carry*
19 *out the responsibilities in subdivision (b) in accordance with the*
20 *schedule in paragraph (2):*

21 (2) (A) *Commencing July 1, 2015, the authority shall carry out*
22 *the responsibilities in paragraph (8) of subdivision (b).*

23 (B) *Commencing July 1, 2016, the authority shall carry out the*
24 *responsibilities in paragraphs (6) and (7) of subdivision (b).*

25 (C) *Commencing July 1, 2017, the authority shall carry out the*
26 *responsibilities in paragraphs (1) to (5), inclusive, of subdivision*
27 *(b).*

28 66552. The board of directors shall appoint an executive officer
29 of the authority, who shall serve at the pleasure of the board of
30 directors. The executive officer shall be authorized to appoint
31 additional staff of the authority as necessary.

32 66553. (a) *The board of directors shall convene a technical*
33 *working group to advise on data and policy matters before the*
34 *board of directors. The working group shall include the following*
35 *persons:*

36 (1) *The chief executive officer of each of the segments of public*
37 *postsecondary education, or designee of the chief executive officer.*

38 (2) *The chair, or the designee of the chair, of the largest*
39 *association of the independent California colleges and universities*
40 *that are formed and operated as nonprofit corporations in this*

1 *state and are accredited by a regional accreditation agency*
2 *recognized by the United States Department of Education.*

3 *(3) The chair, or designee of the chair, of the Bureau for Private*
4 *Postsecondary Education advisory committee.*

5 *(4) The chair, or designee of the chair, of the California Student*
6 *Aid Commission.*

7 *(5) The chair, or designee of the chair, of the academic senate*
8 *for each of the segments of public postsecondary education.*

9 *(6) The Superintendent of Public Instruction, or designee of the*
10 *Superintendent.*

11 *(b) The technical working group shall receive board of directors*
12 *meeting agenda items and association documents in a timely*
13 *manner for its consideration and comments in advance of the*
14 *meeting.*

15 ~~66553.~~

16 66554. Notwithstanding any other law:

17 (a) On and after July 1, ~~2014~~, 2015, the authority shall succeed
18 to the data management responsibilities granted to the former
19 California Postsecondary Education Commission pursuant to
20 subdivision (m) of former Section 66903 as it existed on December
21 31, 2013, and as currently set forth in paragraph ~~(10)~~ (8) of
22 subdivision (b) of Section 66551. The authority may ~~disclose, or~~
23 ~~dispose of~~, *disclose* data it receives or maintains under this section
24 only as specifically authorized to do so in paragraph ~~(10)~~ (8) of
25 subdivision (b) of Section 66551, *and shall dispose of data it*
26 *receives only in accordance with applicable state and federal law.*

27 (b) The authority is authorized to require the governing boards
28 and the institutions of public postsecondary education to submit
29 data on plans and programs, costs, selection and retention of
30 students, enrollments, plant capacities, and other matters pertinent
31 to effective planning, policy development, and articulation and
32 coordination, and shall furnish information concerning these
33 matters to the Governor and to the Legislature as requested by
34 them.

35 ~~66554.~~

36 66555. This chapter shall become operative on July 1, ~~2014~~,
37 2015.

38 SEC. 2. Chapter 11 (commencing with Section 66900) of Part
39 40 of Division 5 of Title 3 of the Education Code is repealed.

1 *SEC. 3. The appointment to the technical working group of the*
2 *chair, or designee of the chair, of the Bureau for Private*
3 *Postsecondary Education advisory committee pursuant to*
4 *paragraph (3) of subdivision (a) of Section 66553 of this act shall*
5 *become operative only if an act that becomes operative on or*
6 *before January 1, 2015, amends or repeals Section 94950 of the*
7 *Education Code to delay or eliminate the January 1, 2015, repeal*
8 *date of the California Private Postsecondary Education Act of*
9 *2009 (Chapter 8 (commencing with Section 94800) of Part 59 of*
10 *Division 10 of Title 3 of the Education Code).*

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